

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 7, 2001
SACRAMENTO, CALIFORNIA**

The Supreme Court of California reconvened in the courtroom in the Library and Courts Building, Sacramento, California on Wednesday, February 7, 2001, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Mosk, Kennard, Baxter, Werdegar, Chin, and Brown.

Officers present: Frederick K. Ohlrich, Clerk; and Harry Kinney, Supreme Court Marshal.

S085088 Friends of Sierra Madre et al., Appellants

v.

City of Sierra Madre et al., Appellants

Cause called. Sanford Svetcov opened argument for Appellant City of Sierra Madre.

Susan Brandt-Hawley argued for Appellant Friends of Sierra Madre.

Christine Ann Sproul, Deputy Attorney General, appearing for Amicus Curiae People ex rel. argued for Appellant Friends of Sierra Madre.

Mr. Svetcov replied.

Cause submitted.

S078828 Carmel Valley Fire Protection District et al., Appellants

v.

State of California et al., Respondents

Cause called. Daniel G. Stone, Deputy Attorney General, argued for Respondents.

William D. Ross argued for Appellant.

Mr. Stone replied.

Cause submitted.

S022481 In re Jeffrey L. Garland on Contempt

People, Respondent

v.

Martin Anthony Navarette, Appellant

Jeffrey L. Garland, court-appointed counsel for appellant Martin Navarette, appeared with his counsel, Dennis Fischer, in response to the order to show cause re contempt issued by the court on December 20, 2000. Colloquy between the court and Mr. Fischer regarding a draft of appellant's opening brief. The court directed the clerk to lodge the draft brief. The court recessed to consider the matter in conference.

The court reconvened after considering the matter, and ordered that the order to show cause re contempt be continued to the April 3, 2001, 9:00 a.m. calendar in Los Angeles. Mr. Garland's return to the order to show cause previously ordered by the court to be filed on or before January 5, 2001, was ordered to be filed on or before March 9, 2001.

Mr. Garland was further ordered to complete the appellant's opening brief in People v. Navarette, case no. S022481, and lodge it with the court on or before March 23, 2001, along with a request for relief from default, and for permission to file the brief. If the completed brief is not lodged with the court on or before March 23, 2001, the court will consider issuing an order directing Mr. Garland to show cause before this court when the matter is ordered on calendar, why he should not be held in contempt of court a second time and further payment suspended or other sanction imposed for his continuing delay of the appellate process.

S015008 In re Ruth Robinson, etc.

People, Respondent

v.

Mark Lindsey Schmeck, Appellant

Ruth Robinson, court-appointed counsel for appellant Mark Lindsey Schmeck, appeared on her own behalf in response to the order to show cause re contempt issued by the court on December 20, 2000. Ms. Robinson made a statement regarding her inability to produce the appellant's opening brief in People v. Schmeck, case no S015008. Colloquy between the court and counsel.

The court recessed to consider the matter in conference.

The court reconvened after considering the matter. The court granted Ms. Robinson's motion to withdraw as appointed counsel, vacated the order filed on March 18, 1992, appointing Ms. Robinson as counsel of record for Mark Lindsey Schmeck, and appointed Michael Millman, Executive Director of the California Appellate Project, to serve as interim counsel on appeal for Mr. Schmeck. Ms. Robinson was ordered to deliver on or before February 14, 2001, the complete record on appeal, draft copies of all briefs thus far prepared, all materials related to the habeas corpus investigation, and all related papers and documents in her possession to the office of the California Appellate Project, One Ecker Place, San Francisco, California 94105.

Upon inquiry from the court, Ms. Robinson waived any further compensation from the court for work done on behalf of Mr. Schmeck. The court further ordered Ms. Robinson to cooperate fully with interim counsel and with new counsel. The court discharged the order to show cause re contempt issued December 20, 2000.

Court adjourned.

S026872 People, Respondent

v.

Alfredo Reyes Valdez, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including March 26, 2001.

S033436 People, Respondent

v.

Albert Lewis and Anthony Cedric Oliver, Appellants

On application of appellant Anthony Cedric Oliver and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 10, 2001.

S087755 In re Jerry Grant Frye

on

Habeas Corpus

The first sentence of the order filed on January 24, 2001 is hereby amended to read, in its entirety:

"The request for judicial notice is granted. (Petition for Writ of Habeas Corpus, p. 19.)"

S094582 People, Respondent

v.

Donald Russel Hamilton, Appellant

The order filed on January 31, 2001, is hereby modified to read in its entirety as follows:

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.